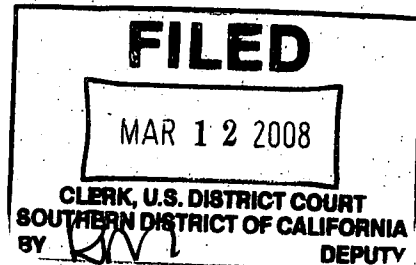


(Name) **RAY SAPP**  
 (Address) **446 AITA ROAD SUITE 5300**  
 (City, State, Zip) **SAN DIEGO, CALIFORNIA 92158**  
 (CDC Inmate No.) **# 646 5306**



United States District Court  
 Southern District of California

2254	1983	<input checked="" type="checkbox"/>
FILING FEE PAID		
Yes	No	<input checked="" type="checkbox"/>
HFP MOTION FILED		
Yes	No	<input checked="" type="checkbox"/>
COPIES SENT TO		
Court	ProSe	<input checked="" type="checkbox"/>

(Enter full name of plaintiff in this action.)

**RAY SAPP**

Plaintiff,

v.

**SHERIFF DEPT  
 COUNTY JAIL S.D.**

(Enter full name of each defendant in this action.)

Defendant(s).

**08 CV 0465 L WMC**

Civil Case No.

(To be supplied by Court Clerk)

Complaint Under the  
 Civil Rights Act  
 42 U.S.C. § 1983

**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, **RAY SAPP**,  
 (print Plaintiff's name)  
 , who presently resides at **446 AITA RD SUITE 5300**,  
 (mailing address or place of confinement)  
**SAN DIEGO CALIFORNIA 92158**, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at **15141 Old Hwy 80**  
**EL CAJON CALIFORNIA 92021** on (dates) **DEC 27, 2006**, and **JAN 2007**  
**SOUTH BAY COUNTY JAIL** (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant S.D. Sheriff (name) resides in SAN DIEGO CALIFORNIA (County of residence) S.D. Calif.  
and is employed as a Sheriff of S.D. (defendant's position/title (if any)) This defendant is sued in  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: THE OFFICER HANDCUFFED (ME) AND PLACED ME IN PATROL CAR WITH HEATER WIDE OPEN FOR (TORTURING ACTIONS) 5 TO 6 HRS. POLICIES & PRACTICES OF THE SHERIFFS, S.D. COUNTY.

Defendant S.D. COUNTY JAIL (name) resides in 446 AITA RD SUITE 5300 (County of residence) S.D. Calif 92158  
and is employed as a COUNTY JAIL (defendant's position/title (if any)) This defendant is sued in  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: UNDER SHERIFFS POLICIES AND PRACTICES OF HANDCUFFING ME, AND PUT ME INTO SHERIFFS PATROL CAR 5 TO 6 HRS WITH HEATER WIDE OPEN.

Defendant (name) resides in (County of residence)  
and is employed as a (defendant's position/title (if any)) This defendant is sued in  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

Defendant (name) resides in (County of residence)  
and is employed as a (defendant's position/title (if any)) This defendant is sued in  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

**C. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

**Count 1:** The following civil right has been violated: **8th AMENDMENT CRUEL AND UNUSUAL PUNISHMENT. ETC**

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**Supporting Facts:** [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

I WAS ARRESTED ON DEC 27-2006 AT COUNTRY CREEK PARK ELCAJON CALIF. I WAS ARRESTED FOR DOMESTIC VIOLENCE DURING MY ARREST I WAS LOCKED IN PATROL (SHERIFFS CAR) WHILE HANDCUFFED FOR 5 TO 6 HRS. THE OFFICER HAD THE HEATER ON (HIGH) 5 TO 6 HRS. VERY CRUEL. AT CENTRAL JAIL DURING BOOKING I WAS ABLE TO TELL THE NURSE THAT MY BACK WAS HURT NO TREATMENT. SEVERAL DAYS LATER I WAS TRANSFERRED TO SOUTH BAY DETENTION AT S.B. JAIL I WAS X-RAYED & HAD 2 MRIS TO BE DIAGNOSED WITH NERVE DAMAGE IN MY SPINE. I WAS TREATED WITH 2 CORTISONE SHOTS AT THORNTON HOSPITAL BUT NO CURE ONLY EXCRUCATING PAIN I HAVE SUFFERED FOR 15 MONTHS, AND I STILL AWAIT FOR SURGERY. UCSD'S COUNTY HOSPITALS DR. MARK KUPER ADVISED ME ON 9-28-07 THAT MY PAPER WORK WAS IN MOTION TO BE GRANTED SURGERY BUT, STILL I WAIT. DURING THIS DURATION I HAVE BEEN NEGLECTED OF MEDICATION ALSO TREATMENT AND ORTHOPEDIC SUPPORTS. THE UNNECESSARY SUFFERING HAS BEEN ALL THE WHILE TIME OF MY INCARCERATION AT COUNTY JAIL. ALSO DURING 15 TO 16 HRS BACK AND TO TOO COURT- NO MEDICATIONS ONLY 3:00 AM THAT MORNING, THE REST OF THE DAY UNNECESSARY SUFFERING. MY MEDS ARE STOP ON AND OFF MY PRESCRIBED ORTHOPEDIC SHOES WERE COUNTY JAIL (COMMISSARY) SHOES PRESCRIBED NOT REAL ORTHOPEDIC SHOES. ALL MY RECOMMENDATIONS FROM UCSD NEUROSURGEONS & ORTHOPEDIC STAFF (DENIED). ONLY WHAT COUNTY JAIL DR'S WILL ALLOW ME TO BE GIVEN IN JAIL. THIS ACTION CONSTITUTES DELIBERATE INDIFFERENCE. I NEED LEGAL HELP, THE STATE COURTS TURN ME DOWN. THERE ARE SEVERAL VIOLATIONS THAT HAVE BEEN TREATED BY COUNTY JAIL TO ME. MENTAL ANGUISH I HAVE SUFFERED FOR 15 MONTH. PLEASE CHECK MEDICAL FILES

3-09-08

Roy Supp #6465306

Count 2: The following civil right has been violated: 8<sup>th</sup> AMENDMENT

CRUEL & UNUSUAL PUNISHMENT.

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

UCSD'S-SKILLED DOCTORS AND RN  
"THORNTON HOSPITAL HAS RECOMMENDED MEDICATION TO ME AFTER  
DIAGNOSING ME SEVERAL TIME SINCE JAN 07 UNTILL JAN-08 THERE  
RECOMMENDATION HAVE BEEN REFUSED BY COUNTY JAIL DR ADAMS  
AND DR. JENKINS. ALSO ORTHOPEDIC SUPPORTS. MY NERVE DAMAGE IN  
BACK FOR 15 MONTH HAS BEEN TRULY NEGLECTED BY MEDICAL  
EMPLOYEES. MY EQUILIBRIUM DISFUNCTIONS THAT ARE TERRIFYING DUE TO  
THE NUMBNESS AND DISORDER IN WALKING ALSO IN COURT ROOMS, AND  
(BUSIES) ARE A LIFE LONG THREAT. NEUROSURGENS AND ORTHOPEDIC DOCTORS  
RECOMMENDATION BY BEING SKILLED IN THIS FIELD OF MEDICINE ARE  
REFUSED. THESE COUNTY AGENT DR.'S HAVE CAUSED UNNECESSARY  
SUFFERING FOR 15 MONTH (DELIBERATE INDIFFERENCE). I ALSO AM  
PARTIAL BLIND IN ONE EYE. THESE DISABLED DISORDERS ARE A  
SERIOUS PROBLEM IN COUNTY JAIL. ALSO DISABILITIES I SUFFER  
BECAUSE OF THE LONG WAIT FOR SURGERY IN BACK. MENTAL  
ANXIETY I SUFFER. MY CRIMINAL ATTY ALLAN WILLIAMS  
(619) 593-3790.

Per Supp # 6465306

Count 3: The following civil right has been violated:

(E.g., right to medical care, access to courts,

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: RAY SAPP

Defendants: S.D. COUNTY SHERIFF

(b) Name of the court and docket number: SUPERIOR COURT (SAN DIEGO)

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] dismissed

(d) Issues raised:

(MEDICAL TREATMENT) AND SHERIFFS ACTION ON MY ARREST  
DEC-27-06.

MEDICAL RECOMMENDATIONS REFUSED BY COUNTY JAIL

UCSD'S RECOMMENDED TREATMENTS REFUSED BY (GBDF) S.D.

(e) Approximate date case was filed: ?

(f) Approximate date of disposition: ?

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☐ Yes ☒ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

I NEED SOME HELP & GUIDENCE BECAUSE I HAVE IN EDUCATION  
IN LAW AND CANT AFFORD. IVE lost EVERY THING-  
{ I SUFFER AT THE AGE OF 50 illiteracy }

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s):

2. Damages in the sum of \$

3. Punitive damages in the sum of \$ 2.2 million

4. Other: DISABILITIES DUE TO THE FACT OF NERVE DAMAGE IN BACK. CAUSED BY THE SHERIFFS ON DEC 27, 2006

**F. Demand for Jury Trial**

Plaintiff demands a trial by ☐ Jury ☒ Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:



Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR



Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

3-10-08

Date

Ray Sapp

Signature of Plaintiff



(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

**I (a) PLAINTIFFS**

## Ray Sapp

San Diego Sheriff Southern District of California  
BY  DEPUTY

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** **San Diego**  
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	DEFENDANTS ✓ 1983
FILING FEE PAID	
Yes _____	No ✓
HFP MOTION FILED	
Yes ✓	No _____ (IN U.S.)
COPIES SENT TO	
Court ✓	Attorneys (If

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Court ✓ Pro Se ATTORNEYS (IF KNOWN)

**Ray Sapp**  
**446 Alta Road, Suite 5300**  
**San Diego, CA 92158**  
**6465306**

'08 CV 0465 L WMc

**II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)**

- ☐ 1 U.S. Government Plaintiff      ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant      ☐ 4 Diversity (Indicate Citizenship of Parties in  
Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX**  
**(For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT**

- |   | PT                         | DEF                        |   | PT                         | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).**

**42 U.S.C. 1983**

**V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)**

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)  <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits  <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(p))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

**VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)**

- ☒ 1 Original Proceeding    ☐ 2 Removal from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

**JURY DEMAND:** ☐ YES ☐ NO

**VIII. RELATED CASE(S) IF ANY (See Instructions):** JUDGE

Docket Number

DATE 3/12/2008

~~SIGNATURE OF ATTORNEY OF RECORD~~

R. Miller